



EXPEDITED PROCEDURE AFTER FINAL REJECTION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS

Bassem M. Demian

RECEIVED

SERIAL NO.

09/716567

APR 2 3 2004

FILED

November 20, 2000

TECHNOLOGY CENTER R3700

FOR

Bunion Treating Device

EXAMINER

Shawntina T. Fugua ART UNIT: 3742

ATTORNEY DOCKET:

176746-2

CUSTOMER NO. 27162

DISCLOSURE STATEMENT UNDER 37 CFR 1.56

Mail Stop AF Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

This paper is submitted in compliance with 37 CFR 1.56 and is submitted after the mailing of a Final Office Action.

Applicants hereby make of record commonly owned US application Serial No.09/880,633 ('633 application) filed June 13, 2001, which is a CIP of the aboveentitled application. In that CIP application, claims similar to, but which differ from the present claims, are rejected over prior art Kenney US Pat. No. 6,456,884 and Ddiamantopoulos et al. US Pat. No. 4,930,504. Others of the claims are deemed allowable. Other references were cited of interest. All of these references are noted in the attached Notice of References Cited PTO 892 of record in that CIP application. Enclosed also is a form PTO 1449 and a copy of the cited references.

The '663 application is pending.

It is respectfully requested that the cited references in the enclosed materials be made of record in the instant above-entitled application.

Entry of this paper is respectfully requested.

4/16/2004

Date

The Commissioner is authorized to respectfully charge any fee due for this paper and to credit or charge any under or over payments for this paper to deposit account 03-0678.

FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Mail Stop AF

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

William Squire

#217120

Bassem M. Demian

Respectfully submitted,

William Squire Reg. No. 25,378
Attorney for Applicants

Phone: 973-994-700 Fax: 973-994-744

1	PE	Notice of Reference	s Citod		09/880,633			Reexamination DEMIAN, BASSEM M.			
,		S	s oneu		Examiner		Art Unit				
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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY			Classification					
	Α	US-4,930,504	06-1990	Diamar	topoulos et al.	607/88					
	В	US-6,456,884 b1	09-2002	Kenney	, John P.	607/48					
	С	US-5,922,012	07-1999	Sakano	607/46						
	D	US-5,674,267	10-1997	Mir et a		607/72					
	E	US-5,578,065	11-1996	Hattori	et al.	607/46					
_	F	US-5,281,219	01-1994	Kallok,	Michael J.	607/72					
	G	US-4,026,301	S-4,026,301 05-1977 Friedman et al.								
	Н	US-3,650,276	03-1972	Burghel	e et al.			607/72			
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<u></u>	v of this	s reference is not being furnished with th	in Office "	MESS -	707.05(.)						

Part of Paper No. 2

Page 1 of 1

	RMATIO	Form PTO-1449	STATEMENT	Atty. Docket: 176746-1		Serial No.: 09/716567				
	0 2004			Applicant: Bassem M. Demian						
1				Filing Date: Nov. 20,	2000	Group: 3742				
7			U.S. PAT	TENT DOCUMENTS						
Examiner Initial		Document Number	Date	Name	Class	Sub- Class	Filing Date			
	A1	3,650,276	Mar. 21, 1972	Burghele et al.	128	419	Mar. 25, 1969			
	B1	4,026,301	May 31, 1977	Friedman et al.	128	418	Apr. 21, 1975			
	C1	4,930,504	June 5, 1990	Diamantopoulos et al.	128	395	Nov. 13, 1987			
	D1	5,281,219	Jan. 25, 1994	Kallok	607	42	Aug. 24, 1992			
	E1	5,578,065	Nov. 26, 1996	Hattori et al.	607	46	Dec. 6, 1991			
	F1	5,674,267	Oct. 7, 1997	Mir et al.	607	72	Mar. 30 1993			
	G1	5,992,012	July 13, 1999	Sakano	607	46	Aug. 4, 1995			
	H1	6,456,884	Sept. 24, 2002	Kenney	607	145	Mar. 20, 2000			
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	K1									
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	М1		<u> </u>							
FOREIGN PATENT DOCUMENTS										
Examiner Initial		Document Number	Date	Country	Class	Sub- Class	Translation			
	N1						☐ Yes ☐ No			
	01	<u> </u>					☐ Yes ☐ No			
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)										
	P1									
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T1 TECHNOLOGY CENTER R3700										
Examiner:				Date Considered:						
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.										